



Sen. Iris Y. Martinez

Filed: 4/2/2014

09800SB0643sam001

LRB098 04877 ZMM 57921 a

1 AMENDMENT TO SENATE BILL 643

2 AMENDMENT NO. _____. Amend Senate Bill 643 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by adding
5 Section 4.35 as follows:

6 (5 ILCS 80/4.35 new)

7 Sec. 4.35. Act repealed on January 1, 2025. The following
8 Act is repealed on January 1, 2025:

9 The Genetic Counselor Licensing Act.

10 (5 ILCS 80/4.25 rep.)

11 Section 10. The Regulatory Sunset Act is amended by
12 repealing Section 4.25.

13 Section 15. The Genetic Counselor Licensing Act is amended
14 by changing Sections 10, 20, 25, 45, 80, 95, 100, 105, 110,

1 115, 120, 125, 135, 140, 145, 150, 160, 170, and 180 and by
2 adding Section 190 as follows:

3 (225 ILCS 135/10)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 10. Definitions. As used in this Act:

6 "ABGC" means the American Board of Genetic Counseling.

7 "ABMG" means the American Board of Medical Genetics.

8 "Active candidate status" is awarded to applicants who have
9 received approval from the ABGC or ABMG to sit for their
10 respective certification examinations.

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's or licensee's application
13 file or license file as maintained by the Department's
14 licensure maintenance unit. It is the duty of the applicant or
15 licensee to inform the Department of any change of address, and
16 those changes must be made either through the Department's
17 website or by contacting the Department.

18 "Department" means the Department of Financial and
19 Professional Regulation.

20 ~~"Director" means the Director of Professional Regulation.~~

21 "Genetic anomaly" means a variation in an individual's DNA
22 that has been shown to confer a genetically influenced disease
23 or predisposition to a genetically influenced disease or makes
24 a person a carrier of such variation. A "carrier" of a genetic
25 anomaly means a person who may or may not have a predisposition

1 or risk of incurring a genetically influenced condition and who
2 is at risk of having offspring with a genetically influenced
3 condition.

4 "Genetic counseling" means the provision of services,
5 which may include the ordering of genetic tests, pursuant to a
6 referral, to individuals, couples, groups, families, and
7 organizations by one or more appropriately trained individuals
8 to address the physical and psychological issues associated
9 with the occurrence or risk of occurrence or recurrence of a
10 genetic disorder, birth defect, disease, or potentially
11 inherited or genetically influenced condition in an individual
12 or a family. "Genetic counseling" consists of the following:

13 (A) Estimating the likelihood of occurrence or
14 recurrence of a birth defect or of any potentially
15 inherited or genetically influenced condition. This
16 assessment may involve:

17 (i) obtaining and analyzing a complete health
18 history of the person and his or her family;

19 (ii) reviewing pertinent medical records;

20 (iii) evaluating the risks from exposure to
21 possible mutagens or teratogens;

22 (iv) recommending genetic testing or other
23 evaluations to diagnose a condition or determine the
24 carrier status of one or more family members;

25 (B) Helping the individual, family, health care
26 provider, or health care professional (i) appreciate the

1 medical, psychological and social implications of a
2 disorder, including its features, variability, usual
3 course and management options, (ii) learn how genetic
4 factors contribute to the disorder and affect the chance
5 for recurrence of the condition in other family members,
6 and (iii) understand available options for coping with,
7 preventing, or reducing the chance of occurrence or
8 recurrence of a condition.

9 (C) Facilitating an individual's or family's (i)
10 exploration of the perception of risk and burden associated
11 with the disorder and (ii) adjustment and adaptation to the
12 condition or their genetic risk by addressing needs for
13 psychological, social, and medical support.

14 "Genetic counselor" means a person licensed under this Act
15 to engage in the practice of genetic counseling.

16 "Genetic testing" and "genetic test" mean a test or
17 analysis of human genes, gene products, DNA, RNA, chromosomes,
18 proteins, or metabolites that detects genotypes, mutations,
19 chromosomal changes, abnormalities, or deficiencies, including
20 carrier status, that (i) are linked to physical or mental
21 disorders or impairments, (ii) indicate a susceptibility to
22 illness, disease, impairment, or other disorders, whether
23 physical or mental, or (iii) demonstrate genetic or chromosomal
24 damage due to environmental factors. "Genetic testing" and
25 "genetic tests" do not include routine physical measurements;
26 chemical, blood and urine analyses that are widely accepted and

1 in use in clinical practice; tests for use of drugs; tests for
2 the presence of the human immunodeficiency virus; analyses of
3 proteins or metabolites that do not detect genotypes,
4 mutations, chromosomal changes, abnormalities, or
5 deficiencies; or analyses of proteins or metabolites that are
6 directly related to a manifested disease, disorder, or
7 pathological condition that could reasonably be detected by a
8 health care professional with appropriate training and
9 expertise in the field of medicine involved.

10 "Person" means an individual, association, partnership, or
11 corporation.

12 "Qualified supervisor" means any person who is a licensed
13 genetic counselor, as defined by rule, or a physician licensed
14 to practice medicine in all its branches. A qualified
15 supervisor may be provided at the applicant's place of work, or
16 may be contracted by the applicant to provide supervision. The
17 qualified supervisor shall file written documentation with the
18 Department of employment, discharge, or supervisory control of
19 a genetic counselor at the time of employment, discharge, or
20 assumption of supervision of a genetic counselor.

21 "Referral" means a written or telecommunicated
22 authorization for genetic counseling services from a physician
23 licensed to practice medicine in all its branches, an advanced
24 practice nurse who has a collaborative agreement with a
25 collaborating physician that authorizes referrals to a genetic
26 counselor, or a physician assistant who has a supervision

1 agreement with a supervising physician that authorizes
2 referrals to a genetic counselor.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 "Supervision" means review of aspects of genetic
6 counseling and case management in a bimonthly meeting with the
7 person under supervision.

8 (Source: P.A. 96-1313, eff. 7-27-10.)

9 (225 ILCS 135/20)

10 (Section scheduled to be repealed on January 1, 2015)

11 Sec. 20. Restrictions and limitations.

12 (a) ~~Except Beginning 12 months after the adoption of the~~
13 ~~final administrative rules, except~~ as provided in Section 15,
14 no person shall, without a valid license as a genetic counselor
15 issued by the Department (i) in any manner hold himself or
16 herself out to the public as a genetic counselor under this
17 Act; (ii) use in connection with his or her name or place of
18 business the title "genetic counselor", "licensed genetic
19 counselor", "gene counselor", "genetic consultant", or
20 "genetic associate" or any words, letters, abbreviations, or
21 insignia indicating or implying a person has met the
22 qualifications for or has the license issued under this Act; or
23 (iii) offer to render or render to individuals, corporations,
24 or the public genetic counseling services if the words "genetic
25 counselor" or "licensed genetic counselor" are used to describe

1 the person offering to render or rendering them, or "genetic
2 counseling" is used to describe the services rendered or
3 offered to be rendered.

4 (b) ~~No Beginning 12 months after the adoption of the final~~
5 ~~administrative rules, no~~ licensed genetic counselor may
6 provide genetic counseling to individuals, couples, groups, or
7 families without a referral from a physician licensed to
8 practice medicine in all its branches, an advanced practice
9 nurse who has a collaborative agreement with a collaborating
10 physician that authorizes referrals to a genetic counselor, or
11 a physician assistant who has been delegated authority to make
12 referrals to genetic counselors. The physician, advanced
13 practice nurse, or physician assistant shall maintain
14 supervision of the patient and be provided timely written
15 reports on the services, including genetic testing results,
16 provided by the licensed genetic counselor. Genetic testing
17 shall be ordered by a physician licensed to practice medicine
18 in all its branches or a genetic counselor pursuant to a
19 referral that gives the specific authority to order genetic
20 tests. Genetic test results and reports shall be provided to
21 the referring physician, advanced practice nurse, or physician
22 assistant. General seminars or talks to groups or organizations
23 on genetic counseling that do not include individual, couple,
24 or family specific counseling may be conducted without a
25 referral. In clinical settings, genetic counselors who serve as
26 a liaison between family members of a patient and a genetic

1 research project, may, with the consent of the patient, provide
2 information to family members for the purpose of gathering
3 additional information, as it relates to the patient, without a
4 referral. In non-clinical settings where no patient is being
5 treated, genetic counselors who serve as a liaison between a
6 genetic research project and participants in that genetic
7 research project may provide information to the participants,
8 without a referral.

9 (c) ~~No Beginning 12 months after the adoption of the final~~
10 ~~administrative rules, no~~ association or partnership shall
11 practice genetic counseling unless every member, partner, and
12 employee of the association or partnership who practices
13 genetic counseling or who renders genetic counseling services
14 holds a valid license issued under this Act. No license shall
15 be issued to a corporation, the stated purpose of which
16 includes or which practices or which holds itself out as
17 available to practice genetic counseling, unless it is
18 organized under the Professional Service Corporation Act.

19 (d) Nothing in this Act shall be construed as permitting
20 persons licensed as genetic counselors to engage in any manner
21 in the practice of medicine in all its branches as defined by
22 law in this State.

23 (e) Nothing in this Act shall be construed to authorize a
24 licensed genetic counselor to diagnose, test (unless
25 authorized in a referral), or treat any genetic or other
26 disease or condition.

1 (f) When, in the course of providing genetic counseling
2 services to any person, a genetic counselor licensed under this
3 Act finds any indication of a disease or condition that in his
4 or her professional judgment requires professional service
5 outside the scope of practice as defined in this Act, he or she
6 shall refer that person to a physician licensed to practice
7 medicine in all of its branches.

8 (Source: P.A. 96-1313, eff. 7-27-10.)

9 (225 ILCS 135/25)

10 (Section scheduled to be repealed on January 1, 2015)

11 Sec. 25. Unlicensed practice; violation; civil penalty.

12 (a) ~~Any Beginning 12 months after the adoption of the final~~
13 ~~administrative rules, any~~ person who practices, offers to
14 practice, attempts to practice, or holds himself or herself out
15 to practice as a genetic counselor without being licensed or
16 exempt under this Act shall, in addition to any other penalty
17 provided by law, pay a civil penalty to the Department in an
18 amount not to exceed \$10,000 ~~\$5,000~~ for each offense, as
19 determined by the Department. Civil penalty shall be assessed
20 by the Department after a hearing is held in accordance with
21 the provisions set forth in this Act regarding the provision of
22 a hearing for the discipline of a licensee.

23 (b) The Department may investigate any actual, alleged, or
24 suspected unlicensed activity.

25 (c) The civil penalty shall be paid within 60 days after

1 the effective date of the order imposing the civil penalty. The
2 order shall constitute a final judgment and may be filed and
3 execution had thereon in the same manner as any judgment from
4 any court of record.

5 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

6 (225 ILCS 135/45)

7 (Section scheduled to be repealed on January 1, 2015)

8 Sec. 45. Social Security Number on license application. In
9 addition to any other information required to be contained in
10 the application, every application for an original license
11 under this Act shall include the applicant's Social Security
12 Number, which shall be retained in the agency's records
13 pertaining to the license. As soon as practical, the Department
14 shall assign a customer's identification number to each
15 applicant for a license.

16 Every application for a renewal, reinstated, or restored
17 license shall require the applicant's customer identification
18 number.

19 (Source: P.A. 97-400, eff. 1-1-12.)

20 (225 ILCS 135/80)

21 (Section scheduled to be repealed on January 1, 2015)

22 Sec. 80. Checks or orders dishonored. Any person who issues
23 or delivers a check or other order to the Department that is
24 returned to the Department unpaid by the financial institution

1 upon which it is drawn shall pay to the Department, in addition
2 to the amount already owed to the Department, a fine of \$50.
3 The fines imposed by this Section are in addition to any other
4 discipline provided under this Act prohibiting unlicensed
5 practice or practice on a nonrenewed license. The Department
6 shall notify the person that payment of fees and fines shall be
7 paid to the Department by certified check or money order within
8 30 calendar days after notification. If, after the expiration
9 of 30 days from the date of the notification, the person has
10 failed to submit the necessary remittance, the Department shall
11 automatically terminate the license or certification or deny
12 the application, without hearing. If, after termination or
13 denial, the person seeks a license or certificate, he or she
14 shall apply to the Department for restoration or issuance of
15 the license or certificate and pay all fees and fines due to
16 the Department. The Department may establish a fee for the
17 processing of an application for restoration of a license to
18 pay all costs and expenses of processing of this application.
19 The Secretary ~~Director~~ may waive the fines due under this
20 Section in individual cases where the Secretary ~~Director~~ finds
21 that the fines would be unnecessarily burdensome.

22 (Source: P.A. 93-1041, eff. 9-29-04.)

23 (225 ILCS 135/95)

24 (Section scheduled to be repealed on January 1, 2015)

25 Sec. 95. Grounds for discipline.

1 (a) The Department may refuse to issue, renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or non-disciplinary action as the Department
4 deems appropriate, including the issuance of fines not to
5 exceed \$10,000 ~~\$1,000~~ for each violation, with regard to any
6 license for any one or more of the following:

7 (1) Material misstatement in furnishing information to
8 the Department or to any other State agency.

9 (2) Violations or negligent or intentional disregard
10 of this Act, or any of its rules.

11 (3) Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or
13 sentencing, including, but not limited to, convictions,
14 preceding sentences of supervision, conditional discharge,
15 or first offender probation, under the laws of any
16 jurisdiction of the United States: (i) that is a felony or
17 (ii) that is a misdemeanor, an essential element of which
18 is dishonesty, or that is directly related to the practice
19 of genetic counseling. ~~Conviction of any crime under the~~
20 ~~laws of the United States or any state or territory thereof~~
21 ~~that is a felony, a misdemeanor, an essential element of~~
22 ~~which is dishonesty, or a crime that is directly related to~~
23 ~~the practice of the profession.~~

24 (4) Making any misrepresentation for the purpose of
25 obtaining a license, or violating any provision of this Act
26 or its rules.

1 (5) Negligence ~~Gross negligence~~ in the rendering of
2 genetic counseling services.

3 (6) Failure to provide genetic testing results and any
4 requested information to a referring physician licensed to
5 practice medicine in all its branches, advanced practice
6 nurse, or physician assistant.

7 (7) Aiding or assisting another person in violating any
8 provision of this Act or any rules.

9 (8) Failing to provide information within 60 days in
10 response to a written request made by the Department.

11 (9) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public and violating the rules of
14 professional conduct adopted by the Department.

15 (10) Failing to maintain the confidentiality of any
16 information received from a client, unless otherwise
17 authorized or required by law.

18 (10.5) Failure to maintain client records of services
19 provided and provide copies to clients upon request.

20 (11) Exploiting a client for personal advantage,
21 profit, or interest.

22 (12) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants, or any other chemical agent or drug
24 which results in inability to practice with reasonable
25 skill, judgment, or safety.

26 (13) Discipline by another governmental agency or unit

1 of government, by any jurisdiction of the United States, or
2 by a foreign nation jurisdiction, if at least one of the
3 grounds for the discipline is the same or substantially
4 equivalent to those set forth in this Section.

5 (14) Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate, or other form of compensation
8 for any professional service not actually rendered.
9 Nothing in this paragraph (14) affects any bona fide
10 independent contractor or employment arrangements among
11 health care professionals, health facilities, health care
12 providers, or other entities, except as otherwise
13 prohibited by law. Any employment arrangements may include
14 provisions for compensation, health insurance, pension, or
15 other employment benefits for the provision of services
16 within the scope of the licensee's practice under this Act.
17 Nothing in this paragraph (14) shall be construed to
18 require an employment arrangement to receive professional
19 fees for services rendered.

20 (15) A finding by the Department that the licensee,
21 after having the license placed on probationary status has
22 violated the terms of probation.

23 (16) Failing to refer a client to other health care
24 professionals when the licensee is unable or unwilling to
25 adequately support or serve the client.

26 (17) Willfully filing false reports relating to a

1 licensee's practice, including but not limited to false
2 records filed with federal or State agencies or
3 departments.

4 (18) Willfully failing to report an instance of
5 suspected child abuse or neglect as required by the Abused
6 and Neglected Child Reporting Act.

7 (19) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 pursuant to the Abused and Neglected Child Reporting Act,
10 and upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act.

14 (20) Physical or mental disability, including
15 deterioration through the aging process or loss of
16 abilities and skills which results in the inability to
17 practice the profession with reasonable judgment, skill,
18 or safety.

19 (21) Solicitation of professional services by using
20 false or misleading advertising.

21 (22) Failure to file a return, or to pay the tax,
22 penalty of interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue or any successor agency or the Internal Revenue
26 Service or any successor agency.

1 (23) Fraud or making any misrepresentation in applying
2 for or procuring a license under this Act or in connection
3 with applying for renewal of a license under this Act. A
4 ~~finding that licensure has been applied for or obtained by~~
5 ~~fraudulent means.~~

6 (24) Practicing or attempting to practice under a name
7 other than the full name as shown on the license or any
8 other legally authorized name.

9 (25) Gross overcharging for professional services,
10 including filing statements for collection of fees or
11 monies for which services are not rendered.

12 (26) Providing genetic counseling services to
13 individuals, couples, groups, or families without a
14 referral from either a physician licensed to practice
15 medicine in all its branches, an advanced practice nurse
16 who has a collaborative agreement with a collaborating
17 physician that authorizes the advanced practice nurse to
18 make referrals to a genetic counselor, or a physician
19 assistant who has been delegated authority to make
20 referrals to genetic counselors.

21 (27) Charging for professional services not rendered,
22 including filing false statements for the collection of
23 fees for which services are not rendered.

24 (28) Allowing one's license under this Act to be used
25 by an unlicensed person in violation of this Act.

26 (b) The Department shall deny, without hearing, any

1 application or renewal for a license under this Act to any
2 person who has defaulted on an educational loan guaranteed by
3 the Illinois State Assistance Commission; however, the
4 Department may issue a license or renewal if the person in
5 default has established a satisfactory repayment record as
6 determined by the Illinois Student Assistance Commission.

7 (c) The determination by a court that a licensee is subject
8 to involuntary admission or judicial admission as provided in
9 the Mental Health and Developmental Disabilities Code will
10 result in an automatic suspension of his or her license. The
11 suspension will end upon a finding by a court that the licensee
12 is no longer subject to involuntary admission or judicial
13 admission, the issuance of an order so finding and discharging
14 the patient, and the determination of the Secretary ~~Director~~
15 that the licensee be allowed to resume professional practice.

16 (d) The Department may refuse to issue or renew or may
17 suspend without hearing the license of any person who fails to
18 file a return, to pay the tax penalty or interest shown in a
19 filed return, or to pay any final assessment of the tax,
20 penalty, or interest as required by any Act regarding the
21 payment of taxes administered by the Illinois Department of
22 Revenue until the requirements of the Act are satisfied in
23 accordance with subsection (g) of Section 2105-15 of the Civil
24 Administrative Code of Illinois.

25 (e) In cases where the Department of Healthcare and Family
26 Services has previously determined that a licensee or a

1 potential licensee is more than 30 days delinquent in the
2 payment of child support and has subsequently certified the
3 delinquency to the Department, the Department may refuse to
4 issue or renew or may revoke or suspend that person's license
5 or may take other disciplinary action against that person based
6 solely upon the certification of delinquency made by the
7 Department of Healthcare and Family Services in accordance with
8 item (5) of subsection (a) of Section 2105-15 of the Department
9 of Professional Regulation Law of the Civil Administrative Code
10 of Illinois.

11 (f) All fines or costs imposed under this Section shall be
12 paid within 60 days after the effective date of the order
13 imposing the fine or costs or in accordance with the terms set
14 forth in the order imposing the fine.

15 (Source: P.A. 96-1313, eff. 7-27-10; 96-1482, eff. 11-29-10;
16 97-813, eff. 7-13-12.)

17 (225 ILCS 135/100)

18 (Section scheduled to be repealed on January 1, 2015)

19 Sec. 100. Violations; injunction; cease and desist order.

20 (a) If any person violates the provisions of this Act, the
21 Secretary ~~Director~~ may, in the name of the People of the State
22 of Illinois, through the Attorney General of the State of
23 Illinois or the State's Attorney of any county in which the
24 violation is alleged to have occurred, petition for an order
25 enjoining the violation or for an order enforcing compliance

1 with this Act. Upon the filing of a verified petition, the
2 court with appropriate jurisdiction may issue a temporary
3 restraining order without notice or bond, and may preliminarily
4 and permanently enjoin the violation. If it is established that
5 the person has violated or is violating the injunction, the
6 court may punish the offender for contempt of court.
7 Proceedings under this Section are in addition to all other
8 remedies and penalties provided by this Act.

9 (b) If any person holds himself or herself out as being a
10 licensed genetic counselor under this Act and is not licensed
11 to do so, then any licensed genetic counselor, interested
12 party, or any person injured thereby may petition for relief as
13 provided in subsection (a) of this Section.

14 (c) Whenever, in the opinion of the Department, a person
15 violates any provision of this Act, the Department may issue a
16 rule to show cause why an order to cease and desist should not
17 be entered against that person. The rule shall clearly set
18 forth the grounds relied upon by the Department and shall allow
19 at least 7 days from the date of the rule to file an answer
20 satisfactory to the Department. Failure to answer to the
21 satisfaction of the Department shall cause an order to cease
22 and desist to be issued.

23 (Source: P.A. 93-1041, eff. 9-29-04.)

24 (225 ILCS 135/105)

25 (Section scheduled to be repealed on January 1, 2015)

1 Sec. 105. Investigations; notice and hearing. The
2 Department may investigate the actions of any applicant or any
3 person holding or claiming to hold a license. The Department
4 shall, before revoking, suspending, placing on probation,
5 reprimanding, or taking any other disciplinary action under
6 Section 95 of this Act, at least 30 days prior to the date set
7 for the hearing, (i) notify the accused, in writing, of any
8 charges made and the time and place for the hearing on the
9 charges, (ii) direct him or her to file a written answer to the
10 charges with the Department under oath within 20 days after
11 service of the notice, and (iii) inform the accused that, if he
12 or she fails to answer, default will be taken against him or
13 her or that his or her license or certificate may be suspended,
14 revoked, placed on probationary status, or other disciplinary
15 action taken with regard to the license, including limiting the
16 scope, nature, or extent of his or her practice, as the
17 Department may deem proper. In case the person, after receiving
18 notice, fails to file an answer, his or her license may, in the
19 discretion of the Department, be suspended, revoked, placed on
20 probationary status, or the Department may take whatever
21 disciplinary action considered ~~deemed~~ proper, including
22 limiting the scope, nature, or extent of the person's practice
23 or the imposition of a fine, without a hearing, if the act or
24 acts charged constitute sufficient grounds for such action
25 under this Act. The written notice may be served by personal
26 delivery or certified mail to the licensee's address of record

1 ~~address specified by the accused in his or her last~~
2 ~~notification to the Department.~~

3 (Source: P.A. 93-1041, eff. 9-29-04.)

4 (225 ILCS 135/110)

5 (Section scheduled to be repealed on January 1, 2015)

6 Sec. 110. Record of proceedings; transcript. The
7 Department, at its expense, shall preserve a record of all
8 proceedings at the formal hearing of any case. ~~The notice of~~
9 ~~hearing, complaint, all other documents in the nature of~~
10 ~~pleadings, written motions filed in the proceedings, the~~
11 ~~transcript of testimony, the report of the hearing officer and~~
12 ~~orders of the Department shall be in the record of such~~
13 ~~proceeding. The Department shall furnish a transcript of the~~
14 ~~record to any person interested in the hearing upon payment of~~
15 ~~the fee required under Section 2105 115 of the Department of~~
16 ~~Professional Regulation Law of the Civil Administrative Code of~~
17 ~~Illinois.~~

18 (Source: P.A. 93-1041, eff. 9-29-04.)

19 (225 ILCS 135/115)

20 (Section scheduled to be repealed on January 1, 2015)

21 Sec. 115. Subpoenas; depositions; oaths. The Department
22 may ~~has the power to~~ subpoena and ~~to~~ bring before it any person
23 in this State and ~~to~~ take the oral or written testimony or
24 compel the production of any books, papers, records, or any

1 other documents that the Secretary or his or her designee deems
2 relevant or material to any investigation or hearing conducted
3 by the Department ~~either orally or by deposition, or both,~~ with
4 the same fees and mileage and in the same manner as prescribed
5 in civil cases in the courts of this State. The Secretary, the
6 shorthand court reporter, ~~Director~~ and the designated hearing
7 officer may ~~has the power to~~ administer oaths ~~to witnesses~~ at
8 any hearing which the Department conducts ~~is authorized to~~
9 ~~conduct,~~ and ~~any other oaths authorized in any Act administered~~
10 ~~by the Department.~~ Notwithstanding any other statute or
11 Department rule to the contrary, all requests for testimony and
12 for the production of documents or records shall be in
13 accordance with this Act.

14 (Source: P.A. 93-1041, eff. 9-29-04.)

15 (225 ILCS 135/120)

16 (Section scheduled to be repealed on January 1, 2015)

17 Sec. 120. Compelling testimony. Any court, upon
18 application of the Department, designated hearing officer, or
19 the applicant or licensee against whom proceedings under
20 Section 95 of this Act are pending, may ~~enter an~~ order
21 ~~requiring~~ the attendance and testimony of witnesses ~~and their~~
22 ~~testimony~~ and the production of relevant documents, papers,
23 files, books, and records in connection with any hearing or
24 investigation. The court may compel obedience to its order by
25 proceedings for contempt.

1 (Source: P.A. 93-1041, eff. 9-29-04.)

2 (225 ILCS 135/125)

3 (Section scheduled to be repealed on January 1, 2015)

4 Sec. 125. Findings and recommendations. At the conclusion
5 of the hearing, the hearing officer shall present to the
6 Secretary ~~Director~~ a written report of its findings of fact,
7 conclusions of law, and recommendations. The report shall
8 contain a finding whether the licensee violated this Act or
9 failed to comply with the conditions required in this Act. The
10 hearing officer shall specify the nature of the violation or
11 failure to comply, and shall make its recommendations to the
12 Secretary ~~Director~~. The report of findings of fact, conclusions
13 of law, and recommendation of the hearing officer shall be the
14 basis for the Department's order for refusing to issue,
15 restore, or renew a license, or for otherwise disciplining a
16 licensee ~~refusal or for the granting of the license~~. If the
17 Secretary ~~Director~~ disagrees with the recommendations of the
18 hearing officer, the Secretary ~~Director~~ may issue an order in
19 contravention of the hearing officer's recommendations. The
20 finding is not admissible in evidence against the person in a
21 criminal prosecution brought for the violation of this Act, but
22 the hearing and findings are not a bar to a criminal
23 prosecution brought for the violation of this Act.

24 (Source: P.A. 93-1041, eff. 9-29-04.)

1 (225 ILCS 135/135)

2 (Section scheduled to be repealed on January 1, 2015)

3 Sec. 135. Secretary ~~Director~~; rehearing. Whenever the
4 Secretary ~~Director~~ believes justice has not been done in the
5 revocation, suspension, or refusal to issue or renew a license
6 or the discipline of a licensee, he or she may order a
7 rehearing.

8 (Source: P.A. 93-1041, eff. 9-29-04.)

9 (225 ILCS 135/140)

10 (Section scheduled to be repealed on January 1, 2015)

11 Sec. 140. Appointment of a hearing officer. The Secretary
12 ~~Director~~ has the authority to appoint any attorney licensed to
13 practice law in the State of Illinois to serve as the hearing
14 officer in any action for refusal to issue or renew a license
15 or permit or to discipline a licensee. The hearing officer has
16 full authority to conduct the hearing. The hearing officer
17 shall report his findings of fact, conclusions of law, and
18 recommendations to the Secretary ~~Director~~.

19 (Source: P.A. 93-1041, eff. 9-29-04.)

20 (225 ILCS 135/145)

21 (Section scheduled to be repealed on January 1, 2015)

22 Sec. 145. Order or certified copy; prima facie proof. An
23 order or certified copy thereof, over the seal of the
24 Department and purporting to be signed by the Secretary

1 ~~Director~~, is prima facie proof that:

2 (1) the signature is the genuine signature of the
3 Secretary ~~Director~~; and

4 (2) the Secretary ~~Director~~ is duly appointed and
5 qualified.

6 (Source: P.A. 93-1041, eff. 9-29-04.)

7 (225 ILCS 135/150)

8 (Section scheduled to be repealed on January 1, 2015)

9 Sec. 150. Restoration of license from discipline ~~suspended~~
10 ~~or revoked license~~. At any time after the successful completion
11 of a term of indefinite probation, suspension, or revocation of
12 a license, the Department may restore the license to active
13 status, unless, after an investigation and a hearing, the
14 Secretary determines that restoration is not in the public
15 interest. No person whose license has been revoked as
16 authorized in this Act may apply for restoration of that
17 license until such time as provided for in the Civil
18 Administrative Code of Illinois. ~~At any time after the~~
19 ~~suspension or revocation of any license, the Department may~~
20 ~~restore it to the licensee, unless after an investigation and~~
21 ~~hearing the Director determines that restoration is not in the~~
22 ~~public interest.~~

23 (Source: P.A. 93-1041, eff. 9-29-04.)

24 (225 ILCS 135/160)

1 (Section scheduled to be repealed on January 1, 2015)

2 Sec. 160. Summary suspension of license. The Secretary
3 ~~Director~~ may summarily suspend the license of a genetic
4 counselor without a hearing, simultaneously with the
5 institution of proceedings for a hearing provided for in
6 Section 105 of this Act, if the Secretary ~~Director~~ finds that
7 the evidence in the possession of the Director indicates that
8 the continuation of practice by the genetic counselor would
9 constitute an imminent danger to the public. In the event that
10 the Secretary ~~Director~~ summarily suspends the license of an
11 individual without a hearing, a hearing must be held within 30
12 days after the suspension has occurred and shall be concluded
13 as expeditiously as possible.

14 (Source: P.A. 93-1041, eff. 9-29-04.)

15 (225 ILCS 135/170)

16 (Section scheduled to be repealed on January 1, 2015)

17 Sec. 170. Certification of record; costs. The Department
18 shall not be required to certify any record to the court, to
19 file an answer in court, or to otherwise appear in any court in
20 a judicial review proceeding, unless and until the Department
21 has received from the plaintiff there is filed in the court,
22 with the complaint, a receipt from the Department acknowledging
23 payment of the costs of furnishing and certifying the record,
24 which costs shall be determined by the Department. Failure on
25 the part of the plaintiff to file the receipt in court is

1 grounds for dismissal of the action.

2 (Source: P.A. 93-1041, eff. 9-29-04.)

3 (225 ILCS 135/180)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 180. Administrative Procedure Act; application. The
6 Illinois Administrative Procedure Act is hereby expressly
7 adopted and incorporated in this Act as if all of the
8 provisions of such Act were included in this Act, except that
9 the provision of paragraph (d) of Section 10-65 of the Illinois
10 Administrative Procedure Act, which provides that at hearings
11 the license holder has the right to show compliance with all
12 lawful requirements for retention, continuation, or renewal of
13 the certificate, is specifically excluded. For the purpose of
14 this Act the notice required under Section 10-25 of the
15 Illinois Administrative Procedure Act is deemed sufficient
16 when mailed to the last known address of a party or the address
17 of record.

18 (Source: P.A. 93-1041, eff. 9-29-04; 94-661, eff. 1-1-06.)

19 (225 ILCS 135/190 new)

20 Sec. 190. Confidentiality. All information collected by
21 the Department in the course of an examination or investigation
22 of a licensee or applicant, including, but not limited to, any
23 complaint against a licensee filed with the Department and
24 information collected to investigate any such complaint, shall

1 be maintained for the confidential use of the Department and
2 shall not be disclosed. The Department shall not disclose the
3 information to anyone other than law enforcement officials,
4 regulatory agencies that have an appropriate regulatory
5 interest as determined by the Secretary, or a party presenting
6 a lawful subpoena to the Department. Information and documents
7 disclosed to a federal, State, county, or local law enforcement
8 agency shall not be disclosed by the agency for any purpose to
9 any other agency or person. A formal complaint filed against a
10 licensee or registrant by the Department or any other complaint
11 issued by the Department against a licensee, registrant, or
12 applicant shall be a public record, except as otherwise
13 prohibited by law."